

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN MONTUE,

Petitioner,

No. CIV S-04-1697 FCD JFM P

vs.

MIKE KNOWLES, et al.,

Respondents.

ORDER

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Petitioner is a state prisoner proceeding pro se and in forma pauperis with an application for writ of habeas corpus pursuant to 28 U.S.C. § 2254. In light of the complexity of the legal issues involved, the court has determined that the interests of justice require appointment of counsel. See 18 U.S.C. § 3006A(a)(2)(B); see also Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983).

Accordingly, IT IS HEREBY ORDERED that:

- 21 1. The Federal Defender is appointed to represent petitioner.
- 22 2. The Clerk of the Court is directed to serve a copy of the petition and this order
- 23 on David Porter, Assistant Federal Defender.
- 24 3. Petitioner's counsel shall contact the Clerk's Office to make arrangements for
- 25 copies of documents in the file.

4. Within thirty days from the date of this order counsel for petitioner shall file and serve an opposition to respondents' August 9, 2005 motion to dismiss. Respondents' reply, if any, shall be filed and served not later than ten days thereafter. No extensions of time will be granted. Upon the filing of the reply brief, the motion will be taken under submission on the papers without oral argument.

DATED: November 1, 2005.

Joh. F. Wark  
UNITED STATES MAGISTRATE JUDGE

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